

MAYER BROWN LLP  
John Nadolenco (SBN 181128)  
350 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071-1503  
Telephone: (213) 229-9500  
[jnadolenco@mayerbrown.com](mailto:jnadolenco@mayerbrown.com)

Lauren R. Goldman (*pro hac vice*)  
Michael E. Rayfield  
1221 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 506-2647  
[lrgoldman@mayerbrown.com](mailto:lrgoldman@mayerbrown.com)  
[mrayfield@mayerbrown.com](mailto:mrayfield@mayerbrown.com)  
*Counsel for Defendant Facebook, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CLAYTON P. ZELLMER, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

**[PROPOSED] ORDER GRANTING  
DEFENDANT FACEBOOK, INC.'S  
MOTION TO DISMISS UNDER RULE  
12(B)(1) FOR LACK OF SUBJECT  
MATTER JURISDICTION AND UNDER  
RULE 12(B)(6) FOR FAILURE TO  
STATE A CLAIM**

Case No.: 3:18-CV-01880-JD

Date: September 13, 2018

Time: 10:00 a.m.

Location: Courtroom 11

Hon. James Donato

1 The matter is before the Court on the motion of defendant Facebook, Inc. ("Facebook")  
2 to dismiss the plaintiff's complaint. After consideration of the briefs and arguments of counsel  
3 and all other matters presented, the Court concludes that Facebook's motion should be granted  
4 and the complaint should be dismissed.

5 Accordingly, **IT IS HEREBY ORDERED THAT** Facebook's Motion is **GRANTED**,  
6 and the Complaint is **DISMISSED**.

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8 DATED:

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Honorable James Donato  
United States District Judge  
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